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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 CHANNEL HENDERSON, individually,

12 Plaintiff,

13 vs.

14 SUN VALLEY SURGERY CENTER, LLC, a
15 domestic limited-liability company; DOES I-
16 X; and ROE BUSINESS ENTITIES I-X,
inclusive,

17 Defendants.
18

Case No. 2:22-cv-00472-RFB-DJA

**STIPULATION AND ORDER TO STAY
DISCOVERY PENDING RESOLUTION
OF DEFENDANT’S MOTION TO
COMPEL ARBITRATION AND
DISMISS PLAINTIFF’S COMPLAINT
~~OR, IN THE ALTERNATIVE, STAY~~
CASE [ECF NO. 8]**

(First Request)

19 Defendant SUN VALLEY SURGERY CENTER, LLC (“Defendant”), by and through its
20 attorneys, the law firm of Sklar Williams PLLC, and Plaintiff CHANNEL HENDERSON
21 (“Plaintiff”), by and through her attorneys, the law firm of Maier Gutierrez & Associates, hereby
22 submit this Stipulation and Order to Stay Discovery Pending Resolution of Defendant’s Motion to
23 Compel Arbitration and Dismiss Plaintiff’s Complaint ~~or, in the Alternative, Stay Case~~ [ECF NO.
24 8] (First Request) in the above-captioned case.

25 **I. PROCEDURAL HISTORY**

26 1. Plaintiff filed a Complaint with Jury Demand (ECF No. 1; hereinafter, the
27 “Complaint”) to initiate this case on March 16, 2022;

28 2. Plaintiff served Defendant with a copy of the Complaint on April 5, 2022;

3. On April 26, 2022, Defendant filed its Motion to Compel Arbitration and Dismiss Plaintiff's Complaint or, in the Alternative, Stay Case (ECF No. 8; hereinafter "Motion to Compel");

4. On April 27, 2022, the Court entered an Order Scheduling Early Neutral Evaluation Session in this case (ECF No. 9), which scheduled the Early Neutral Evaluation session before U.S. Magistrate Judge Cam Ferenbach, for June 16, 2022, at 10:00 a.m.;

5. Plaintiff filed an Opposition to the Motion to Compel (ECF No. 10) on May 10, 2022;

6. Also on May 10, 2022, counsel for the parties participated in a discovery and scheduling conference to discuss all issues required by Federal Rule of Civil Procedure 26(f). During such conference, the parties agreed to exchange their Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), on or before May 24, 2022; and

7. Plaintiff filed an Errata to her Opposition to the Motion to Compel (ECF No. 11) on May 11, 2022.

II. REASON FOR STAY OF DISCOVERY

The parties respectfully submit that a stay of discovery until the Court has rendered its decision on Defendant's Motion to Compel is warranted and in the interest of judicial economy. Defendant's Motion to Compel is potentially dispositive of this entire case.

While the parties agree that they will proceed in exchanging their Initial Disclosures under FRCP 26(a)(1) and participate in the June 16, 2022 Early Neutral Evaluation session, they agree and request that the Court issue an order to stay all other pre-trial obligations and discovery in this matter until the Motion to Compel is decided.

If such relief is not granted, the parties will be forced to move forward to discovery in this matter, where (1) the Court may find that arbitration is the proper forum for the claims made in this case; and, if so, (2) the parties may be forced to duplicate their litigation efforts and the discovery already completed in any arbitration proceeding that may be ordered. The parties thus request a stay of all discovery and pre-trial obligations other than their exchange of Initial

This stipulation and order is being sought in good faith and not for the purpose of
delay. No prior request for any stay of discovery has been made.

IT IS SO STIPULATED.

SKLAR WILLIAMS PLLC

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ORDER

Considering the governing standards - *Kor Media Group, LLC v. Green*, 294 F.R.D.
579, 581 (D. Nev. 2013) - the Court finds that a stay of discovery is appropriate in
this case.

IT IS THEREFORE ORDERED that the parties' stipulation (ECF No. 15) is
granted in part and denied in part. The parties' request for a stay of discovery is
granted. The parties' request for a stay of the case is **denied.**

IT IS SO ORDERED



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: May 19, 2022